

Governor DeSantis Left SRWMD Holding the Bag

October 1, 2019

A thorough and logical examination of the recent bizarre happenings at the normally non-plussed Suwannee River Water Management Board. OSFR had [posted of this earlier](#) but in less detail.

Although the water district was confused, it is the governor's office that dropped the ball and is accountable. Florida deserves better.

Our thanks to [Columbia County Observer](#) for permission to re-publish this article in its entirety.

Comments by OSFR historian Jim Tatum.

-A river is like a life: once taken, it cannot be brought back-

Governor DeSantis Left SRWMD Holding the Bag: Dept. of Revenue Ran Cover for the Governor

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Three Board Members (two on the phone) Listen During Unnoticed SRWMD Budget Hearing



Board members left to right: Charlie Keith, Chairperson Virginia Johns, Virginia Sanchez

By Stew Lilker

SUWANNEE COUNTY, FL – The Suwannee River Water Management District Board and staff were left holding the bag after Governor DeSantis’s appointment to the District’s Board was a day late, leaving the Water Management Board a commissioner short, without a quorum, for its September 10 Board meeting and 1st Budget Hearing.

Suwannee River Water Management District Board Meetings

The Suwannee River Water Management District Board is authorized by Florida statute to have nine members. In order for the Board to conduct business it needs a quorum of 5. The Governor appoints the Board.

The Suwannee River Water Management District is what is known as an independent special taxing district, which means it has the ability to levy taxes. Its area covers all or part of 15 counties in North Central Florida. The District was established by the Florida legislature.

Suwannee River Water Management District (SRWMD) Board meetings are held at 9 am. Budget hearings, which are required to be held by the Board, occur at the District at 5 pm. Florida statutes mandate 5 pm or later, presumably to allow folks that have to work to be able to attend.

Meetings

For decades, Florida has been known for its “Sunshine” laws, public record and meeting laws, which enable the public and the press to obtain public records and attend government meetings.

Forty-eight years ago, the Florida Attorney General wrote in relevant part (AG0-71-32)

“. . . any meeting of commissioners or board members at which formal actions to be memorialized in minutes are contemplated, or at which legislation in the form of ordinances or resolutions are envisaged, or at which official reports are received, or at which a majority or quorum of the body is in attendance . . .” must be held only after “a reasonable and ample period of notice” has been given to the public and the press “so that they may attend this formal or quorum-attended meeting if they wish.” ... “the serving of notice and the promulgation of the notice must be given in a reasonable manner calculated to timely inform the public.”

As special districts multiplied throughout the decades, a helter-skelter patchwork of laws was passed by the legislature, which made meeting notice requirements confusing and almost impossible to follow.



[Click here to enlarge](#)

Finally, in 2014, after years of complaints and bollixed up meetings, the legislature passed the Uniform Special District Accountability Act, which included water management districts.

The Act required the water management district to publish annually its list of scheduled meetings in a newspaper of general paid circulation in the counties in which the special district is located.

On September 4, 2018, the District, according to a search of Florida Pubic Notices, published its notice only in the

Gainesville Sun. In that notice was the following: " 9/10/2019 *(Board Meeting: 3:00 PM – First Public Hearing on FY 2020 Tentative Millage and Budget: 5:05 PM)."

The District claims the Gainesville Sun is a regional newspaper, apparently believing that it has general circulation in the 15 county region of the district. The Observer has not been able to find the circulation figures to verify this.

According to Florida Taxation and Finance law, (§ 200.065), Method of Fixing Millage: "The governing body of each taxing authority shall [means must] hold a public hearing on the tentative budget and proposed millage rate." (emphasis added by the Observer) In this case, the "governing body" is a minimum of 5 Board members.

September 9, 2019: One Day before the Scheduled Board Meeting and Budget Hearing

On September 9, 2019, one day before the scheduled Board meeting and Budget Hearing, the Board was still short one board member to make a quorum: no quorum – no board action, at least in the civilized world.

The District may have been expecting the Governor to make his appointment in time for the scheduled meeting on the 10th, as it was in contact with the Department of Revenue (DOR) on the 9th, inquiring about budget meeting notices in the Suwannee Democrat.

On September 10, 9:52 am, the District followed up with the Department of Revenue, writing that it believed that the "Gainesville Sun no longer circulates in Suwannee County."

There was still no mention regarding a quorum for the day's scheduled Board meeting and Public Hearing. The Board still only had 4 members.

September 10, 10:08 am, was the first time the District mentioned that it may not have a quorum for the Public Hearing. The District's Kristin Thompson wrote to the DOR: "Our tentative hearing is scheduled for today, September 10th, 2019. In the event, we do not have a quorum and must recess and continue the hearing, would today's hearing be considered within the 80 days? Or, does the continuance also have to occur within the 80 day timeframe?"

There was no written response by the DOR.



The purported September 10 Board Budget Hearing. Sitting in front in the middle is Board member Johns, with District Director Hugh Thomas (left) and Attorney Reeves (right)

At 10:22 on Sept. 10, the District sent an email to folks on its list and wrote that the September 10 Governing Board meeting was rescheduled. There were not enough Board members (5) to hold the meeting.

It was not clear why the District did not cancel or reschedule the Budget Public Hearing, as this is statutorily required be held by the Board and there was no Board.

The Observer has not been able to obtain the minutes of the

purported public hearing.

According to people that were there on September 10 some sort of budget discussion was held. Only one Board member was present.

It was thought that the District wanted to give folks that showed up a chance to speak. A chance to speak is not a public hearing held by a legally convened Board.

At 5:42 pm on Sept. 10, the District sent out what it called "A Notice of Continuation." It stated:

" LIVE OAK, FLA., Sept. 10, 2019 – The Suwannee River Water Management District's (District) Tentative Millage and Budget Public Hearing held on September 10, 2019 was recessed and will continue on September 18, 2019 at 5:05 p.m. at the District Headquarters following the rescheduled Governing Board meeting."

The "Budget Public Hearing" could not have been held: there was no Board to convene it, or continue it, or recess it. The law requires that the hearing be held after 5 pm.

On September 11, the day after the bollixed non-budget purported budget hearing, the Governor reappointed Charlie Keith and Richard Schwab to the District Board.

Here We Go Again

September 18: the unnoticed do-over



During the Public Hearing, Merrillee Malwitz-Jipson asked why the Board would start the hearing over “if it was continued.”

On September 18, with no advertising or public notices in any newspapers, the District Board held its first Budget Hearing. How any taxpayer or resident of the District, who was not on the District list, was supposed to know is a mystery.

The law is clear and unambiguous (FL stat. 198.015(1)): The governing body of an independent special district shall advertise the day, time, place, and purpose of any meeting other than a regular meeting or any recessed and reconvened meeting of the governing body, at least 7 days before such meeting, in a newspaper of general paid circulation in the county or counties in which the special district is located, unless a bona fide emergency situation exists...”

Working backwards, there was no “emergency situation.” That the Board’s First Budget Public Hearing was continued is preposterous. There was no Board; there was just one Board member present, Board member Johns.

The Board: September 18

The Board met at 3 pm as scheduled. Three Board members were present, two attended by phone.

Your reporter does not attend SRWMD Board meetings, as there are many who do and the Board members generally get high marks for being respectful to the public, grounded, and well thought out.

When your reporter asked the Board about the lack of meeting notices, and the purported continuation of the non-budget hearing they were at a loss for words and looked perplexed by the whole situation.

Your reporter asked why the Water Management District attorney didn't make the Board aware that there was no quorum. There was no answer.

Your reporter spoke with Deputy Executive District Director Steve Minnis and was told that the District was in contact with the Florida Department of Revenue and was following their guidance.

According to emails received from the District, the Department of Revenue put nothing in writing until September 18 at 9:03 am, when tax law specialist Wyatt Peters responded to a number of questions posed by the District and mentioned that TRIM (truth in millage) ads should be published in other newspapers, besides the newspaper in Suwannee County.

In an email received from Deputy Executive Director Minnis on Sept. 19, he wrote: "District staff maintains that the meetings were held substantially in compliance with sections 189.015 and 200.65, Florida Statutes."

Epilogue

It's "horn book" law that after an illegal act, everything fails. Apparently, Florida is an exception to the rule.

The circumstances surrounding the District's meeting and non-

Budget Hearing on September 10 were clearly unique.

By September 18, it was clear that nobody knew what to do, the Water Management Attorney did not admit to giving any advice, and what was left of the hapless board was caught in a vice of circumstances beyond its making.

The Suwannee River Water Management District has a budget of over \$65,000,000.

The taxpayers and residents of the District, as well as the Board members who donate their time, deserved better.